

Message Text

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AMEMBASSY BONN

USDEL MBFR VIENNA

USNMR SHAPE

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S E C R E T SECTION 1 OF 4 USNATO 2552

E.O. 11652: XGDS-1

TAGS: PARM, NATO

SUBJ: MBFR FORM OF AGREEMENTS

1. AT MAY 7 SPC MEETING, FRG REP (HOYNCK) DISTRIBUTED FRG PAPER ON FORM OF MBFR AGREEMENTS. HE STRESSED THAT FRG SEES THIS PAPER AS CONTRIBUTION TO SPC DISCUSSION OF THIS MATTER, AND IS NOT FIRMLY WEDDED TO THE POINTS IN THIS PAPER.

2. ACTION REQUESTED: WASHINGTON COMMENT ON FRG PAPER IN TIME FOR SPC DISCUSSION OF IT, SCHEDULED FOR THURSDAY, MAY 15.

3. BEGIN TEXT OF FRG PAPER:

SUBJECT: MBFR - FORM OF MBFR AGREEMENTS

I.

1. THIS WORKING PAPER IS INTENDED AS A CONTRIBUTION TO THE NATO DISCUSSIONS OF THE PROBLEM OF THE FORM OF FIRST PHASE
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MBFR AGREEMENTS.

2. THE VIENNA AD HOC GROUP SUBMITTED THE FOLLOWING QUESTIONS TO THE NATO COUNCIL (AGV (74)85 OF 13 DEC 1974, PARA 10):

-WHAT SHOULD BE THE FORM OF A FIRST PHASE AGREEMENT AND OF THE VARIOUS MULTILATERAL COMMITMENTS PROPOSED IN CONNECTION WITH IT?
-SPECIFICALLY, WHAT SHOULD BE THE FORM OF THE RECIPROCAL NON-INCREASE COMMITMENTS FOR GROUND AND AIR FORCE MANPOWER BETWEEN THE PHASES AND OF THE ALL-PARTICIPANTS COMMITMENT?
-SHOULD THESE MULTILATERAL COMMITMENTS BE PART OF THE FIRST PHASE AGREEMENT OR SHOULD THEY BE EXPRESSED SEPARATELY?

3. WE SHARE THE OPINION OF THE ADHOC GROUP THAT NATO SHOULD BEGIN DEVELOPING ITS VIEWS ON THE FORM OF THE AGREEMENTS FOR THE PROPOSED MBFR MEASURES.

4. FOR REFERENCE WE HAVE LISTED AT ANNEX THE MEASURES ENVISAGED FOR A FIRST PHASE OF NEGOTIATIONS.

5. WE ASSUME THAT THE DISCUSSIONS OF THE FORM OF FIRST PHASE AGREEMENTS WILL HAVE TO CONCENTRATE ON A DISCUSSION OF THE EXTERNAL FORM OF THE MBFR AGREEMENTS ENVISAGED FOR PHASE 1: SHOULD THEY BE FORMAL INTERNATIONAL TREATIES, ANNEXES OR PROTOCOLS TO SUCH TREATIES, EXCHANGES OF NOTE, FINAL PROTOCOLS, JOINT OR SEPARATE STATEMENTS OR COMMUNIQUEES OF BOTH ALLIANCES (COLLECTIVE STATEMENTS) OR IDENTICAL UNILATERAL STATEMENTS OF ALL THE DIRECT PARTICIPANTS?

6. AN ANSWER TO THESE QUESTIONS ALSO DEPENDS ON HOW THE CONTENTS OF THE AGREEMENTS ARE TO BE DEFINED, FOR EXAMPLE
-WHETHER THERE SHOULD BE COLLECTIVE COMMITMENTS BY BOTH SIDES OR INDIVIDUAL COMMITMENTS BY THE DIRECT MBFR PARTICIPANTS FROM EACH OF THE TWO ALLIANCES: IF A COLLECTIVE COMMITMENT IS GIVEN A COLLECTIVE FORM, THIS UNDERLINES THE COLLECTIVE CHARACTER OF THE COMMITMENT AND HELPS TO PRECLUDE AN INTERPRETATION IN THE DIRECTION OF INDIVIDUAL COMMITMENTS (NATIONAL).
-WHAT DEGREE OF BINDING FORCE THE VARIOUS AGREEMENTS SHOULD ESTABLISH (BINDING UNDER INTERNATIONAL LAW OR JUST IN SECRET

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POLITICAL AND MORAL TERMS): A FORMAL TREATY WOULD BE ADEQUATE FOR AGREEMENTS WHICH, ON ACCOUNT OF THEIR LEGALLY BINDING CONTENT, REQUIRE PARLIAMENTARY APPROVAL.

II.

7. IN DISCUSSION THE DEGREE OF FORMAL AND SUBSTANTIVE COMMITMENT ON THE PART OF THE NON-US WESTERN DIRECT PARTICIPANTS IN PHASE 1 THE FOLLOWING ASPECTS SHOULD BE TAKEN INTO CONSIDERATION:
-IT DEPENDS ON THE CONTENTS OF PHASE 1
-THE PHASED APPROACH SUGGESTED BY THE ALLIANCE EMPHASIZES SOVIET AND AMERICAN COMMITMENTS IN PHASE 1

-THE EFFECTS OF MBFR MEASURES ON THE COUNTRIES IN THE AREA
OR REDUCTIONS DIFFER IN QUALITY FROM THE EFFECTS ON THE
OTHER DIRECT PARTICIPANTS

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-MBFR MUST NOT BE ALLOWED TO IMPAIR THE FURTHER DEVELOP-
MENT OF CO-OPERATION IN THE FIELD OF DEFENCE POLICY IN
WESTERN EUROPE.

8. FOR THIS REASON, THE NON-US DIRECT PARTICIPANTS SHOULD IN
OUR VIEW AVOID

-FORMAL PARTICIPATION IN THE SOVIET-US PHASE 1 REDUCTIONS
AGREEMENT (AS CO-SIGNATORIES)
-INDIRECT PARTICIPATION BY CONCLUDING A "MAIN AGREEMENT"/
"FRAMEWORK AGREEMENT" WHICH WOULD EMBRACE ALL MULTI-
LATERAL AGREEMENTS AND INCLUDE BILATERAL US-SOVIET AGREE-
MENTS
-CONCLUDING MULTILATERAL AGREEMENTS WHICH IN FORM AND
CONTENT COMMIT THEM MORE HEAVILY THAN THE CIRCUMSTANCES
REQUIRE.

III.

9 TAKING INTO ACCOUNT THE POINTS SET OUT IN SECTION II, THE
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FOLLOWING CONSIDERATIONS SEEM TO APPLY:

10 WE ASSUME THAT THE US-SOVIET REDUCTION AGREEMENT WOULD, GIVEN THE REDUCTION COMMITMENTS THE PARTIES WOULD ENTER INTO, TAKE THE FORM OF A BILATERAL TREATY. SUCH AN AGREEMENT, RATHER THAN A COMPREHENSIVE MULTILATERAL AGREEMENT SIGNED BY ALL PARTICIPANTS, WOULD BE THE CENTRAL MBFR AGREEMENT OF PHASE 1.

11. AGREEMENT ON THE MEASURES MENTIONED IN PARA 2 TO 6 OF THE ANNEX (ASSOCIATED MEASURES) WOULD BE INCORPORATED IN THAT AGREEMENT, AS IT WOULD BE INCOMPLETE WITHOUT AGREEMENT ON THE QUESTIONS OF NON-CIRCUMVENTION, VERIFICATION, STABILIZING MEASURES, AND FLANK SECURITY.

(NOTE: IT WOULD BE CONCEIVABLE TO HAVE A GENERAL NON-CIRCUMVENTION AGREEMENT COVERING ALL INDIVIDUAL AGREEMENTS INSTEAD OF NON-CIRCUMVENTION CLAUSES IN THE INDIVIDUAL MBFR AGREEMENTS. IT WOULD, HOWEVER, BE PREFERABLE TO AGREE ON NON-CIRCUMVENTION CLAUSES THAT ARE RELATED TO SPECIFIC COMMITMENTS AND ARE, CONSEQUENTLY, LINKED UP WITH THEM. THE SAME APPLIES TO VERIFICATION AGREEMENTS)

IF THE FOUR MEASURES MENTIONED PROVE TOO TECHNICAL FOR INCLUSION IN THE AGREEMENT AS SUCH, THEY COULD BE INCORPORATED IN ANNEXES TO THE REDUCTION AGREEMENT, OF WHICH THEY WOULD BE AN INTEGRAL PART.

12. THE PARTICIPATION OF THOSE COUNTRIES WHOSE TERRITORIAL JURISDICTION IS AFFECTED BY VERIFICATION MEASURES AND THE EXCHANGE OF OBSERVERS COULD BE REFERRED TO IN GENERAL TERMS IN THE BILATERAL REDUCTION AGREEMENT, THE DETAILS BEING LEFT TO A SUPPLEMENTARY PROTOCOL. THIS WOULD BE SIGNED BY THE UNITED STATES AND THE SOVIET UNION AS THE STATES WHO SUBMIT TO MUTUAL VERIFICATION AND THE EXCHANGE OF OBSERVERS, AND BY THOSE COUNTRIES WHOSE TERRITORIAL JURISDICTION IS AFFECTED.

THE MODALITIES OF COMMUNICATING OF ADVANCE NOTIFICATIONS OF MOVEMENTS AND MAJOR MILITARY EXERCISES BY US AND SOVIET FORCES TO THE OTHER DIRECT PARTICIPANTS, AND OF THE
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INVITATION OF OBSERVERS FROM THE OTHER DIRECT PARTICIPANTS TO ATTEND MAJOR MILITARY EXERCISES OF THE UNITED STATES AND THE SOVIET UNION, COULD BE LAID DOWN IN A SUPPLEMENTARY PROTOCOL TO THE US-SOVIET REDUCTION AGREEMENT AND WOULD BE SIGNED BY ALL DIRECT PARTICIPANTS.

13. AS REGARDS THE AGREEMENTS MENTIONED IN PARAS 7 AND 9 OF THE ANNEX (LINKAGE BETWEEN PHASES), IT WOULD APPEAR LOGICAL TO GROUP THEM TOGETHER IN ONE MULTILATERAL PROTOCOL OF

THE FIRST PHASE OF MBFR NEGOTIATIONS WHICH WOULD BE SIGNED BY ALL DIRECT PARTICIPANTS ON SIGNATURE OF THE US-SOVIET REDUCTION AGREEMENT. AGREEMENT TO CONTINUE THE MBFR NEGOTIATIONS IN A SECOND PHASE WITH A VIEW TO ACHIEVING A COMMON CEILING, AND ON FIXING A PERIOD OF TIME BETWEEN THE CONCLUSION OF PHASE 1 AND THE BEGINNING OF PHASE 2 ARE CLOSELY INTERRELATED. IT WOULD APPEAR ARBITRARY TO GIVE THEM FORMAL SEPARATE TREATMENT. THE ALTERNATIVE OF A COLLECTIVE STATEMENT BY EACH OF THE TWO ALLIANCES WOULD ALLOW BOTH SIDES WIDER SCOPE FOR INTERPRETATION THAN A JOINTLY FORMULATED AND DELIVERED STATEMENT. GIVEN THE IMPORTANCE OF AGREEMENT ON THE CONTINUATION OF NEGOTIATIONS AND THE COMMON CEILING CONCEPT ITS ALTERNATIVE WOULD PRESUMABLY NOT BE SUFFICIENT.

14. THE REVIEW PROCEDURE (PARA 10 OF THE ANNEX), WHICH HAS BEEN PROPOSED TO ILLUSTRATE THE LINK BETWEEN THE PHASES AND IS ALSO IN OUR OWN INTEREST, SHOULD BE INCLUDED IN A MULTILATERAL PROTOCOL IN SO FAR AS THE REVIEW RELATES TO THE RESULTS OF PHASE 2 NEGOTIATIONS WHICH CONCERN ALL DIRECT PARTICIPANTS. A REVIEW POSSIBILITY WITH REGARD TO THE IMPLEMENTATION OF THE US-SOVIET PHASE 1 REDUCTION AGREEMENT COULD BE PART OF THIS AGREEMENT UNLESS A MULTILATERAL REVIEW COULD BE STIPULATED WITH THE CONSENT OF THE US AND THE SOVIET UNION.

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15. A NON-INCREASE COMMITMENT ON GROUND AND AIR-FORCE MANPOWER

BETWEEN THE PHASES (PARA 1- OF THE ANNEX) SHOULD IN OUR VIEW ALSO BE KEPT SEPARATE FROM THE COMMITMENTS INTENDED TO ILLUSTRATE THE LINK BETWEEN THE TWO PHASES. THIS WOULD AVOID A PRECEDENT REGARDING THE INCLUSION OF AIR-FORCE MANPOWER IN PHASE 2 REDUCTIONS. WITH A VIEW TO ENSURING THE LEAST FORMAL COMMITMENT AND AVOIDING NATIONAL SUB-CEILINGS, A COLLECTIVE COMMITMENT OF BOTH SIDES COULD BE CONSIDERED (WITH A SPOKESMAN OF EACH SIDE MAKING CORRESPONDING STATEMENTS FOR THE RECORD OF A PLENARY SESSION, ALONG THE LINES OF THE VIENNA PROTOCOL OF 14 MAY 1973).

16. THE "ALL-PARTICIPANTS COMMITMENT" (PARA 12 OF THE ANNEX) SHOULD BE KEPT SEPARATE FROM THE OTHER ILLUSTRATIONS OF THE LINK BETWEEN THE PHASES. PROVIDED WE ENVISAGE A UNILATERAL UNDERTAKING BY THE WEST IT COULD TAKE THE FORM OF A COLLECTIVE STATEMENT TO BE MADE BY A SPOKESMAN OF THE WESTERN PARTICIPANTS FOR THE RECORD OF A PLENARY SESSION, AS WAS DONE WITH THE ADOPTION OF THE RULES OF PROCEDURE
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AND PARTICIPATION AT THE PREPARATORY TALKS IN VIENNA ON 14 MAY 1973. SUCH A STATEMENT WOULD HAVE TO BE MADE ON THE CONDITION OF RECIPROCITY.

WE SEE THE FOLLOWING ADVANTAGES IN SUCH A COLLECTIVE ARRANGEMENT:

- THERE WOULD BE NO OPENING FOR AN INTERPRETATION IN FAVOUR OF NATIONAL SUB-CEILINGS, AS WOULD BE THE CASE WITH STATEMENTS BY INDIVIDUAL PARTICIPANTS
- IT WOULD BE POSSIBLE TO AVOID CRATING AN OBSTACLE TO DEFENCE CO-OPERATION IN WERSTERN EUROPE
- AN ASSURANCE GIVEN COLLECTIVELY WOULD BE CONSISTENT WITH THE NATURE OF A COMMON CEILING AS A COLLECTIVE LEVEL OF FORCES ON BOTH SIDES
- THE ROLE OF THE ALLIANCE WOULD BE UNDERLINED.

AN EVEN MORE FAVOURABLE FORM OF COLLECTIVE COMMITMENT WOULD BE A COLLECTIVE ASSURANCE IN A NATO COMMUNIQUE. A PROPOSAL TO GIVE THE ALL-PARTICIPANTS COMMITMENT ALREADY DISCUSSED WITH THE EAST THE SOMEWHAT INFORMAL NATUE OF A UNILATERAL STATEMENT IN A COMMUNIQUE WOULD, HOWEVER, TEND TO ENTAIL NEGOTIATING PROBLEMS. WE MIGHT, HOWEVER, CONSIDER THE POSSIBILITY OF CONFIRMING THE RECORDED STATEMENT IN A NATO COMMUNIQUE.

IV.

17. ON THE BASIS OF THE ABOVE COMMENTS, THE FOLLOWING CATEGORIES CAN BE IDENTIFIED:

18. CATEGORY A
AGREEMENTS

-DIRECTLY LINKED WITHE FIRST PHASE REDUCTIONS

-PREDOMINANTLY BILATERAL IN NATURE
-INCORPORATED IN THE US-SOVIET REDUCTION AGREEMENT OR
TAKING THE FORM OF ANNEXES THERETO:
1. NON-CIRCUMVENTION AGREEMENT,
2. VERIFICATION AGREEMENT,
3. AGREEMENT ON STABILIZING MEASURES,
4. AGREEMENT DESIGNED TO PROTECT THE SECURITY OF FLANK
COUNTRIES.

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19. CATEGORY B
SUPPLEMENTARY MULTILATERAL AGREEMENTS TO THE AGREEMENTS
ON VERIFICATION AND STABILIZING MEASURES IN THE FORM OF
SUPPLEMENTARY PROTOCOLS TO THE BILATERAL REDUCTION AGREE-
MENT.

20. CATEGORY C
AGREEMENTS WHICH, IN CONTENT, ARE OF A MULTILATERAL
NATURE BUT ARE CLOSELY RELATED TO THE SUBSTANCE OF THE
US-SOVIET REDUCTION AGREEMENT AND COULD BE GROUPED TO-
GETHER IN A MULTILATERAL PROTOCOL OF PHASE 1:

1. AGREEMENT ON THE CONTINUATION OF NEGOTIATIONS IN A
SECOND PHASE AND ON THE COMMON CEILING CONCEPT,
2. FIXING OF THE PERIOD OF TIME BETWEEN THE FIRST AND
THE SECOND PHASE,
3. REVIEW PROCEDURE.

21. CATEGORY D
AGREEMENTS WHICH SHOULD BE SEPARATED FROM THE FIRST PHASE
REDUCTION AGREEMENT AND SHOULD TAKE THE FORM OF COLLECTIVE
STATEMENTS FOR THE RECORD:
1. NON-INCREASE AGREEMENT ON GROUND AND AIR-FORCE MANPOWER
BETWEEN THE PHASES,
2. ALL-PARTICIPANTS COMMITMENTS.

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THE FOLLOWING MEASURES ARE ENVISAGED IN THE FIRST NEGOTIATING PHASE:

1. REDUCTIONS IN US AND SOVIET GROUND FORCE PERSONNEL.
 2. US-SOVIET NON-CIRCUMVENTION AGREEMENT DESIGNED TO SAFEGUARD THE REDUCTION AGREEMENT (PARA. 31 C-M(73)83FINAL).
 3. US-SOVIET AGREEMENT ON THE VERIFICATION OF THE REDUCTION AGREEMENT (PARA. 32C-M(73)83 FINAL).
 4. US-SOVIET AGREEMENT ON STABILIZING MEASURES (C-M(74)8 (2ND REVISE) OF 14TH FEBRUARY 1974).
- UNDER THE NATO NEGOTIATING PROPOSAL, FIRST-PHASE STABILIZING MEASURES WOULD APPLY ONLY TO US AND SOVIET FORCES. PARAS. 6 AND 14 OF THE DOCUMENT NEVERTHELESS ENVISAGE AN UNDERTAKING BY THE US AND THE SOVIET UNION TO PROVIDE TO "ALL OTHER PARTIES TO THE AGREEMENT" THE PRE-ANNOUNCEMENTS OF MOVEMENTS AND MAJOR MILITARY EXERCISES BY AMERICAN AND SOVIET FORCES (MULTILATERAL ARRANGEMENT). FOOTNOTE 1 TO PARA 6 OF THE DOCUMENT (PRE-ANNOUNCEMENT OF MOVEMENTS) ADDS:

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"IT IS ENVISAGED THAT ALL DIRECT PARTICIPANTS WOULD BE APARTIES TO THE AGREEMENT AND THAT AN APPROPRIATE MECHANISM WOULD BE ESTABLISHED TO PROVIDE ALL ALLIES WITH THE INFORMATION RECEIVED FROM THE USSR."

5. EXCHANGE OF OBSERVERS AT MAJOR EXERCISES OF US AND SOVIET FORCES. IT IS AN OPEN QUESTION WHETHER ONLY THE US AND THE USSR WOULD EXCHANGE OBSERVERS (BILATERAL ARRANGEMENT) OR WHETHER OBSERVERS FROM THE OTHER DIRECT PARTICIPANTS WOULD ALSO BE INVITED (MULTILATERAL ARRANGEMENT). AN AGREEMENT ON THE EXCHANGE OF OBSERVERS WOULD REQUIRE THE PARTICIPATION OF THE COUNTRIES IN WHOSE TERRITORY US OR SOVIET EXERCISES ARE TO BE OBSERVED.
6. US-SOVIET AGREEMENT DESIGNED TO PROTECT THE SECURITY OF FLANK COUNTRIES ON BOTH SIDES (ISD/80 (2ND REVISE) OF 19 SEPTEMBER 1974 AND CORRIGENDUM OF 1 OCT 1974).
7. AGREEMENT FOR THE CONTINUATION OF NEGOTIATIONS IN A SECOND PHASE.
8. AGREEMENT ON THE CONCEPT OF A COMMON CEILING.

9. AGREEMENT FIXING THE PERIOD OF TIME BETWEEN THE CONCLUSION OF THE FIRST PHASE AND THE BEGINNING OF THE SECOND PHASE (C-M(74)30 (REVISED) OF 17 MAY 1974 AND ANNEX A TO C-M(74)63 OF 1 OCT 1974).

10. AGREEMENT THAT, FIVE YEARS FOLLOWING THE SIGNATURE OF THE FIRST-PHSE REDUCTION AGREEMENT, THE TWO SIDES WOULD REVIEW THE IMPLEMENTATION OF THE REDUCTION AGREEMENT, AND THE RESULTS OF THE SECOND PHASE NEGOTIATIONS AND THEN DRAW THE CONCLUSIONS THEY DEEM APPROPRIATE - REVIEW PROCEDURE (C-M(74)30 (REVISED) OF 17 MAY 1974).

11. COMMITMENT BY ALL DIRECT PARTICIPANTS NOT TO INCREASE THE OVERALL GROUND AND AIR FORCE MANPOWER OF NATO AND THE WARSAW PACT IN THE NGA BETWEEN THE FIRTST-PHASE AGREEMENT AND THE SECND-PHASE AGREEMENT (C-M(74)30 (REVISED) OF 17 MAY 1974 AND ADDENDUM 2 OF 27 SEPTEMBER 1974; C-M(74)83 OF 19 NOVEMBER 1974; C-M(75)3 (RESPONSE TO THE WP'S NON-INCREASE OF FORCES PROPOSAL) OF 31 JAN 1975).

12. ASSURANCE BY ALL DIRECT PARTICIPANTS ON THE WESTERN SIDE THAT, IN SECOND-PHSE REDUCTIONS, THE GROUND FORCES OF ALL NON-US DIRECT WESTERN PARTICIPANTS WILL BE INCLUDED (ADDENDUM 1 OF 3 JULY 1974 TO C-M (74)30 (REVISED) OF 17 MAY 1974).

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